

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Lake Doctor / E. Lake Mary Boulevard Rezone**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Dori DeBord**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve a request and authorize the Chairman to execute an ordinance to rezone 2.15 + acres, from A-1 (Agriculture) to M-1 (Industrial), located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, based on staff findings, (Lake Doctors Inc., Jim Williams, applicant); or
2. Deny the request to rezone 2.15 + acres, from A-1 (Agriculture) to M-1 (Industrial), located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, and authorize the Chairman to execute the Denial Development Order (Lake Doctors Inc., Jim Williams, applicant); or
3. Continue the item to a time and date certain.

District 5 Brenda Carey

Ian Sikonia

BACKGROUND:

The applicant is requesting a rezone from A-1 (Agriculture) to M-1 (Industrial), in order to develop a 15,000 square foot office and warehouse facility. Lake Doctors Inc., is an aquatic management firm providing a variety of services for lakes, ponds, and other bodies of water. These proposed uses of office and warehouse are allowed within the M-1 (Industrial) zoning district. The Future Land Use Designation of the subject property is Industrial (IND), which allows the requested zoning district. The subject property is located near the Orlando/Sanford Airport and is surrounded on all sides by the Industrial Future Land Use Designation.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

The Planning and Zoning Commission met on December 5, 2007 and voted 6 to 0 to recommend approval of the request to rezone 2.15 ± acres, from A-1 (Agriculture) to M-1 (Industrial), located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, based on staff findings.

STAFF RECOMMENDATION:

Staff recommends the Board Approve a request and authorize the Chairman to enact an ordinance to rezone 2.15 + acres, from A-1 (Agriculture) to M-1 (Industrial), located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, based on staff findings,

ATTACHMENTS:

1. Staff Report
2. Location Map
3. Future Land Use and Zoning Map
4. Aerial Map
5. Ordinance
6. Denial Development Order
7. Minutes

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)

Lake Doctor / E. Lake Mary Boulevard Rezone from A-1 to M-1		
APPLICANT	Jim Williams	
PROPERTY OWNER	Lake Doctors, Inc.	
REQUEST	Rezone from A-1 (Agriculture) to M-1 (Industrial)	
PROPERTY SIZE	2.15 ± acres	
HEARING DATE (S)	P&Z: December 5, 2007	BCC: January 22, 2008
PARCEL ID	08-20-31-300-037A-0000	
LOCATION	Located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue	
FUTURE LAND USE	IND (Industrial)	
ZONING	A-1 (Agriculture)	
FILE NUMBER	Z2007-62	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop a 15,000 square foot office and warehouse facility for an aquatic management firm.

ANALYSIS OVERVIEW:

ZONING REQUEST

The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) and the requested zoning district of M-1 (Industrial).

DISTRICT REGULATIONS	Existing Zoning (A-1)	Proposed Zoning (M-1)
Minimum Lot Size	43,560 sq. ft.	N/A
Minimum House Size	N/A	N/A
Minimum Width at Building Line	150'	N/A
Front Yard Setback	50'	50'
Side Yard Setback	10'	10' *
(Street) Side Yard Setback	50'	50'
Rear Yard Setback	30'	10' *
Maximum Building Height	35'	35'

* UNLESS A SIDE LOT LINE AND REAR LOT LINE ARE ABUTTING PROPERTY ASSIGNED RESIDENTIAL ZONING. PLEASE REFER TO SC LDC SECTION 30.1228

PERMITTED & SPECIAL EXCEPTION USES:

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses		A-1 (existing)	M-1 (proposed)
Permitted Uses	Single-family detached, agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.		Within any M-1 Industrial District no building, structure, land, or water shall be used, except uses permitted in the M-1A Very Light Industrial District or C-3 Wholesale Commercial District, not to include, however, those permitted uses in CN Restricted Neighborhood Commercial District or CS Convenience Commercial District. No residence shall be permitted, except the Board of Adjustment may authorize the parking and location of a mobile home or house trailer to provide quarters for a watchman or security guard after study of the area and review of the conditions pertaining to the need.
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.		Wholesale storage of gasoline, liquefied petroleum, gas, oil, or other inflammable liquids or gases, provided they meet the regulations of N.F.P.A. and the Seminole County Building Code and, further, that all overhead storage tanks are diked. Fertilizer manufacturing, Stock yards or slaughter of animals, Storage or bailing of rags, iron, paper, or junk, Automobile wrecking lots, provided same are enclosed with a solid fence not less than six (6) feet in height; and, provided further, that no junkyards or automobile graveyards, as defined in Section 339.241, Florida Statutes, shall be located closer than one thousand (1,000) feet to any secondary, primary, or interstate highway. All fences, as defined in Section 339.241, Florida Statutes, shall be provided as specified in said section, Soap manufacturing, Concrete block plants and redi-mix concrete plants, Sanitary landfills, Feed mill, Heliports and airports, Recreational facilities provided by an employer within the district for the exclusive use of employees, their families, and guests, Communication towers when lattice or guyed in design, Communication towers when monopole in design of the tower is one hundred forty (140) feet or over in height.
Minimum Lot Size		1-Acre	N/A

COMPATIBILITY WITH SURROUNDING PROPERTIES:

The Future Land Use Designations of the properties to the north, south, east and west of the subject parcel are Industrial (IND) and High Intensity Planned Development Airport (HIP-AP). The properties to the north, south, east and west of the subject property are currently zoned A-1 (Agriculture). The surrounding properties consist of

pastureland to north and east and single-family homes on one acre or larger lots to the west and south. Currently, the area consists of rural residential subdivisions and agricultural uses on larger tracts of land. The Future Land Use Designations in the area consist of Industrial and High Intensity Planned Development Airport due to the proximity of the property to the Orlando/Sanford Airport. The Land Use Designations in the area are meant to foster industrial uses that would compliment and support the economic growth of the airport and the county. The Future Land Use Designation of the subject property is Industrial (IND) which allows the requested M-1 (Industrial) zoning district. Staff finds the proposed rezoning request consistent and compatible with the surrounding development patterns of the area.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS:

Floodplain Impacts:

Based on FIRM map with an effective date of 2007, there appears to be no floodplains on the subject property.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, there appears to be no wetlands on the subject property.

Endangered and Threatened Wildlife:

Based on a preliminary analysis, there are not endangered and threatened wildlife on the subject property. A listed species survey will be required prior to final engineering approval.

PUBLIC FACILITY IMPACTS:

Rule 9J-5.0055(3)(c)1-2, Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The subject property will be required to undergo Concurrency Review prior to Final Engineering approval.

Utilities:

The site is located in the City of Sanford's utility service area, and will be required to connect to public utilities. There is a 12-inch water main on the north side of E. Lake Mary Boulevard and a 6-inch force main on the south side.

Transportation / Traffic:

The nearest major roadway from the subject property is East Lake Mary Blvd. which is classified as a collector road and is currently operating at a Level of Service "A". East Lake Mary Boulevard is not currently programmed to be improved according to the County 5-year Capital Improvement Program.

Drainage:

The proposed project is located within the Lake Jessup Drainage Basin, and does not have limited downstream capacity. The site will have to be designed to not exceed the 25-year, 24-hour pre-development rate of discharge.

Parks, Recreation and Open Space:

The minimum 25% open space will be required by the Seminole County Land Development Code Section 30.1344

Sidewalks:

An existing 5-foot sidewalk is located on Lake Mary Boulevard.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS:

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS:

The subject property is not located within any special district or overlay.

COMPREHENSIVE PLAN (VISION 2020):

The County's Comprehensive Plan is designed to preserve and enhance the public health, safety and welfare through the management of growth, provision of adequate public services and the protection of natural resources.

The proposed project is consistent with the following list of policies (there may be other provisions of the Comprehensive Plan that apply that are not included in this list):

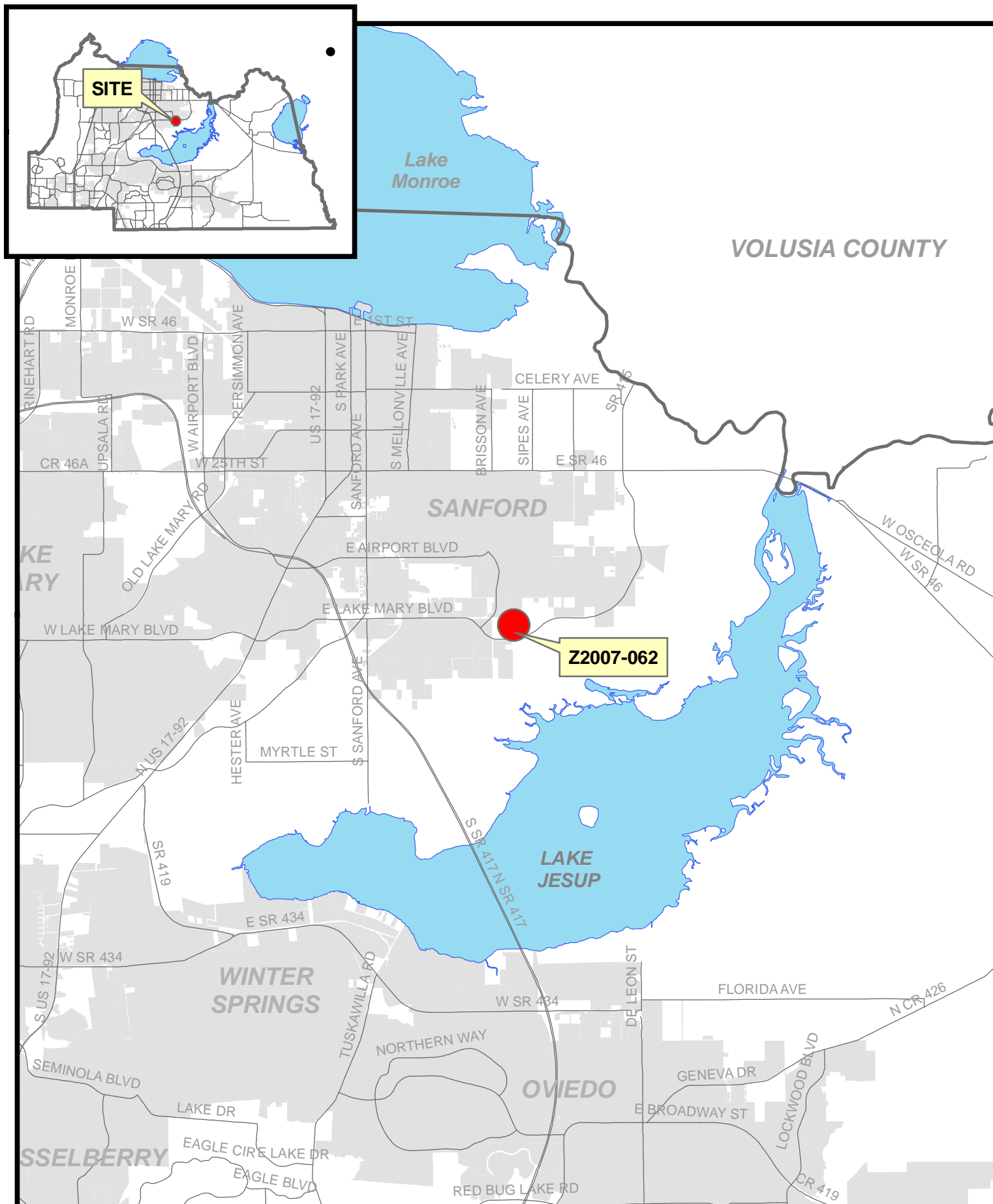
Policy FLU 2.8: Orlando Sanford Airport
Policy FLU 9.1: Orlando Sanford International Airport
Policy POT 4.5: Potable Water Connection
Policy SAN 4.4: Sanitary Sewer Connection
Policy PUB 2.1: Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

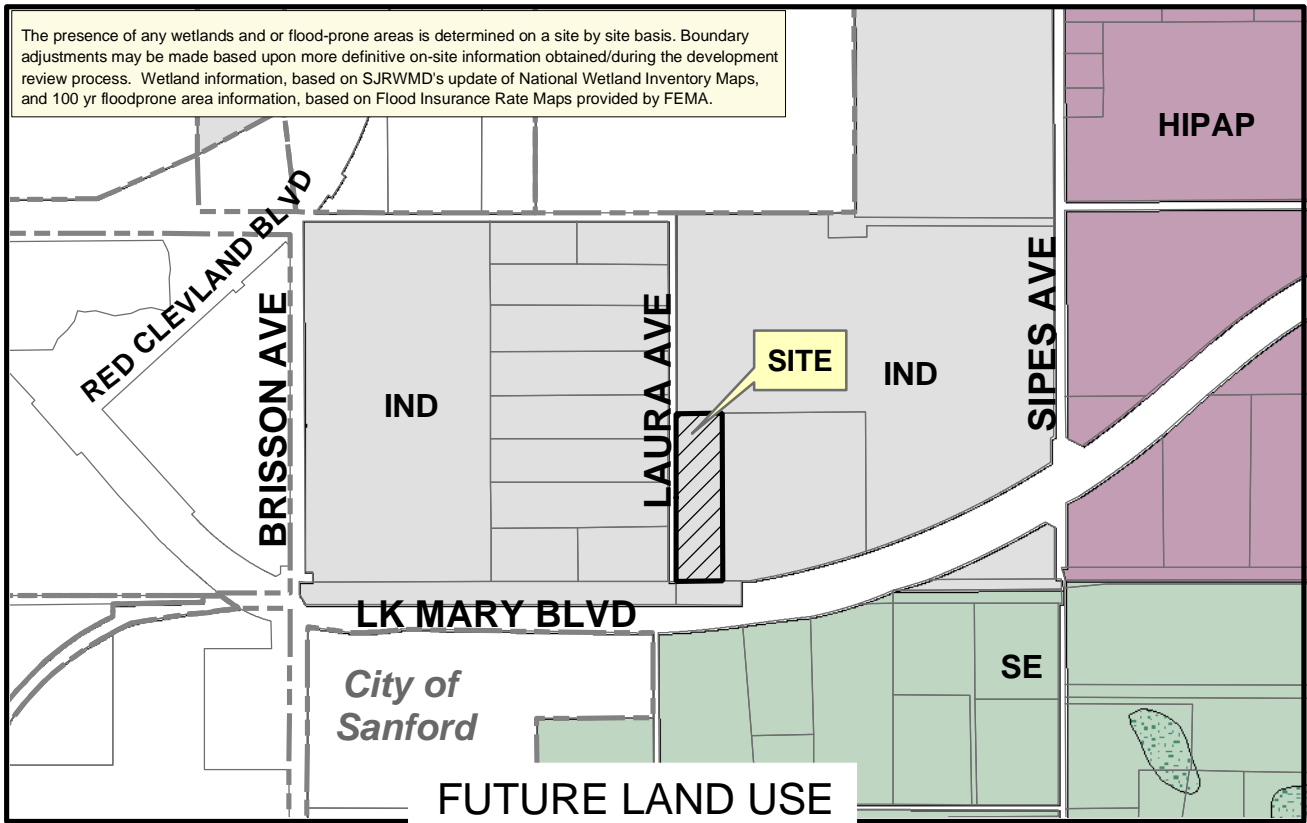
An intergovernmental notice was sent to the City of Sanford on November 14, 2007.

LETTERS OF SUPPORT OR OPPOSITION:

At this time, Staff has received no letters of support or opposition.



The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr floodprone area information, based on Flood Insurance Rate Maps provided by FEMA.



IND SE HIPAP Site CONS Municipality

Applicant: Jim Williams

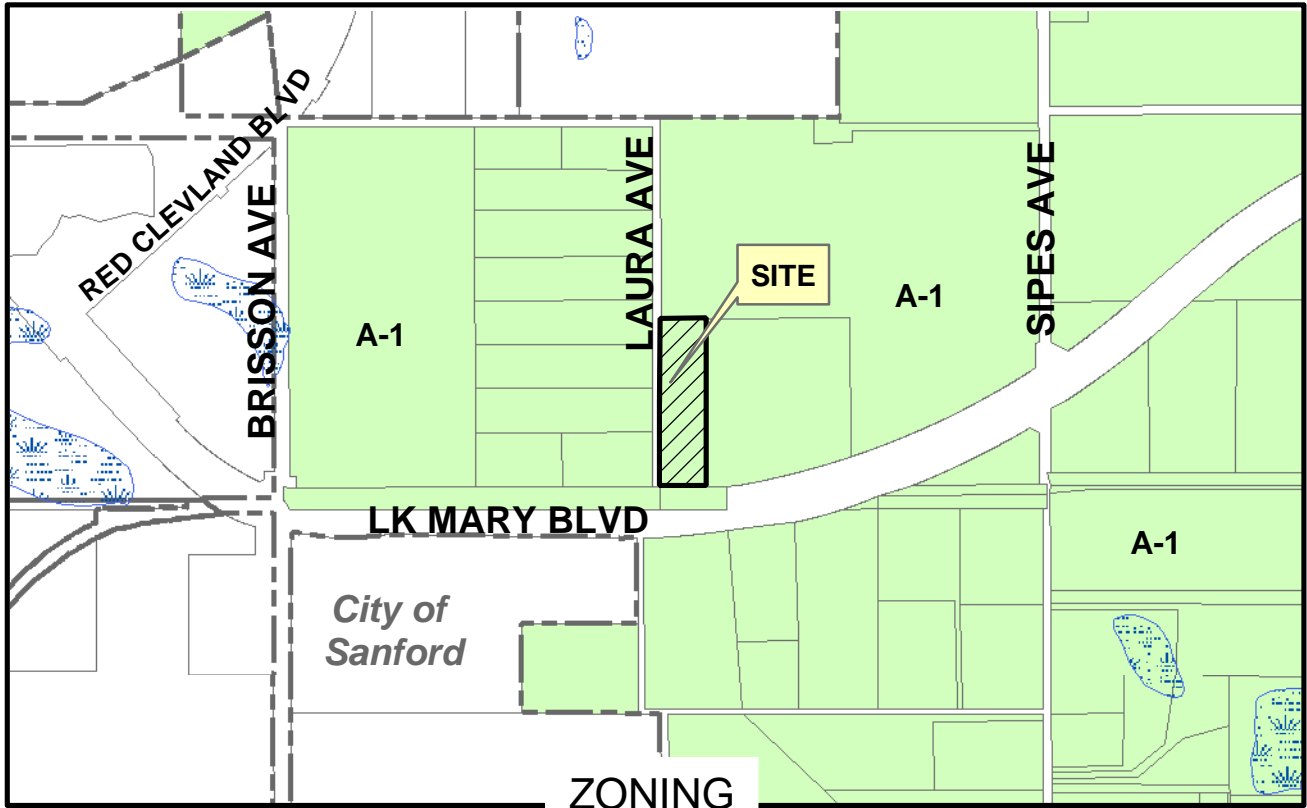
Physical STR: 08-20-31-300-037A-0000

Gross Acres: 2.15+/- BCC District: 5

Existing Use: vacant

Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2007-062	A-1	M-1



A-1 FP-1 W-1



Rezone No: Z2007-062
From: A-1 To: M-1

- Parcel
- Subject Property



Winter 2006 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE M-1 (INDUSTRIAL) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Lake Doctor / E. Lake Mary Boulevard Rezone."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to M-1 (Industrial):

SEE ATTACHED EXHIBIT A

Section 3. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing a copy of this Ordinance with the Florida Department of State by the Clerk of the Board of County Commissioners.

ENACTED this 22nd day of January 2008.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Brenda Carey
Chairman

EXHIBIT A

LEGAL DESCRIPTION

THE WEST 151.55 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA., LESS THE RY & CANAL R/W AND ROAD.

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On January 22, 2008, Seminole County issued this Denial Development Order relating to and touching and concerning the following property described in the attached legal description as Exhibit "A".

Property Owner(s): Lake Doctors, Inc.

Project Name: Lake Doctor / E. Lake Mary Boulevard Rezone

Requested Development Approval: The applicant is requesting a rezone from A-1 (Agriculture) to M-1 (Industrial) for 2.15 \pm acres, located at the northwest of the intersection of E. Lake Mary Boulevard and Laura Avenue.

The Board of County Commissioners has determined that the rezone request from A-1 (Agriculture) to M-1 (Industrial) is not compatible with the surrounding area and could not be supported.

After fully considering staff analysis titled "Lake Doctor / E. Lake Mary Boulevard Rezone" and all evidence submitted at the public hearing on January 22, 2008, regarding this matter the Board of County Commissioners have found, determined and concluded that the requested rezone from A-1 (Agriculture) to M-1 (Industrial) should be denied.

ORDER**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

The aforementioned application for development approval is **DENIED**.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD OF
COUNTY COMMISSIONERS**

By: _____
Brenda Carey, Chairman

EXHIBIT "A"

LEGAL DESCRIPTION

THE WEST 151.55 FEET OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 8, TOWNSHIP 20 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA., LESS THE RY & CANAL R/W AND ROAD.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
DECEMBER 5, 2007
7:00 P.M.**

Members present: Matthew Brown, Dudley Bates, Walt Eismann, Rob Wolf, Melanie Chase, and Ben Tucker

Member absent: Kim Day

Also present: Dori DeBord, Director of Planning and Development; Alison Stettner, Planning Manager; Tina Williamson, Asst. Planning Manager; Ian Sikonia, Senior Planner; Cynthia Sweet, Senior Planner; Austin Watkins, Senior Planner; James Potter, Senior Engineer; Kathy Furey-Tran, Assistant County Attorney; and Candace Lindlaw - Hudson, Clerk to the Commission.

Lake Doctor / E. Lake Mary Boulevard Rezone; Lake Doctors Inc., Jim Williams, applicant; 2.15± acres; Rezone from A-1 (Agriculture) to M-1 (Industrial); located at the northeast section of the intersection of E. Lake Mary Boulevard and Laura Avenue. (Z2007-62)

Commissioner Carey - District 5
Ian Sikonia, Senior Planner

Mr. Sikonia stated the applicant is requesting a rezone from A-1 (Agriculture) to M-1 (Industrial) in order to develop a 15,000 square-foot office and warehouse facility. Lake Doctors Inc. is an aquatic management firm providing a variety of services for lakes, ponds, and other bodies of water. These proposed uses of office and warehouse are allowed within the M-1 (Industrial) zoning district. The Future Land Use Designation of the property is Industrial (IND) which allows the requested zoning district. The subject property is located near the Orlando/Sanford Airport and is surrounded on all sides by the Industrial Future Land Use Designation. Staff has received no letters of opposition. Staff recommendation is for approval of the request to rezone 2.15 acres, located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, from A-1 (Agriculture) to M-1 (Industrial).

Greg Crawford was present representing the applicant.

There were no questions from the commissioners or the audience.

Commissioner Wolf made a motion to recommend approval of the request to rezone 2.15 acres, located 100 feet north of the intersection of E. Lake Mary Boulevard and Laura Avenue, from A-1 (Agriculture) to M-1 (Industrial).

Commissioner Bates seconded the motion.

Commissioner Brown asked if this project would go to the City of Sanford.

Mr. Sikonia said that it would have a voluntary annexation into the city.

The motion passed 6 – 0.

Respectfully submitted,

Candace Lindlaw – Hudson
Clerk to the Commission